IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14798 of 2004

Between:

Corporal Dinesh Kumar Singh, S/o Angod Kumar Chauhan, Service in Indian Air Force,
Sr.No.733 866, No.12, Squadron Airforce, No.4, Wing Airforce, Agra, U.P.
presently on visit to Hyderabad

..... PETITIONER

AND

1 The Inspector of Police, WPS, North Zone (Womens Police Station)
at Begumpet, Secunderabad
2 Ms.K.Jayalakshmi @ Jaya,
R/o H.No.9-3-120/2, Rezimental bazaar, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ order or direction more particularly Writ of Mandamus directing the First Respondent not to harass or prevent the Petitioner from appearing before the Family Court, Secunderabad, in the interest of justice.

Counsel for the Petitioner :MR. J.K.RANJIT KUMAR

Counsel for the Respondent No1: GP FOR HOME

Counsel for the 2nd respondent : --

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.14798 OF 2004

ORAL ORDER :

The petitioner seeks a Writ of Mandamus directing the first respondent – Inspector of Police, Women Police Station (WPS), North Zone, Begumpet, Secunderabad, not to harass or prevent the petitioner from appearing before the Family Court, Secunderabad.

The petitioner states that the second respondent filed O.P.No.47 of 2004 under Section 9 of the Hindu Marriage Act, 1955 before the Family Court at Secunderabad for restitution of conjugal rights claiming that she married the petitioner on 01-07-

2002 and that the petitioner neglected her and refused to lead matrimonial life demanding additional dowry from her parents. The petitioner herein filed his counter denying the allegations made in the said petition and also denying the alleged marriage with the second respondent. While so, on 25-03-2004 O.P.No.47 of 2004 was posted before the Family Court for appearance and reconciliation between the parties, but the reconciliation failed and the matter was adjourned to 19-04-2004 for counter of the petitioner. It is alleged that after the Court proceedings while the petitioner was about to leave, two women came to the petitioner and his counsel and stated that there is a case pending against the petitioner on the basis of a compliant made by the second respondent, and that he should attend the Women Police Station, North Zone at Begumpet, Secunderabad. For the next dates of adjournments also i.e., 19-04-2004 till 14-06-2004 there were constant visits by the Women Police Team, making enquiries about the petitioner. The petitioner states that he has not committed any offence as alleged by the second respondent and that the second respondent is trying to blackmail him and in turn the first respondent is using undue influence and has been preventing him from attending the Family Court at Secunderabad. It is pleaded that if he does not attend the Family Court on 23-08-2004, his right to cross-examination will be forfeited and he stands to suffer irreparable injury. In the circumstances, this writ petition was filed on 17-08-2004 seeking the above relief.

The Sub-Inspector of Police, Women Police Station, North Zone at Begumpet, Secunderabad filed a counter-affidavit denying all the allegations made by the petitioner and further stating that the second respondent made a private complaint before the XXII Metropolitan Magistrate, Hyderabad, which in turn was referred to the first respondent for conducting enquiry and for submitting the report. In pursuance thereof, Crime No.21 of 2004 was registered on 10-03-2004 under Sections 498-A, 406, 420, 427, 509, 494 & 109 of the Indian Penal Code as well as under Sections 4 and 5 of the Dowry Prohibition Act. During the course of the investigation, as many as four witnesses apart from the complainant were examined. Since the petitioner herein resides outside the State, the first respondent also sought permission of the Commissioner of Police to arrest the petitioner and the permission was accorded on 23-06-2004. In pursuance thereof, the first respondent directed two women PCs and one Male PC to proceed to Aligarh, Uttar Pradesh, where the petitioner has been

residing. The allegations of the petitioner that on 19-04-2004 two women constables tried to arrest the petitioner and that from 19-04-2004 to 14-06-2004 the first respondent made attempts to arrest him are all denied. It is further stated that the Deputy Commissioner of Police, North Zone gave permission to arrest the petitioner only on 27-04-2004 and therefore the allegation that the first respondent tried to arrest him on 19-04-2004 is false and baseless.

In the light of the specific averments made in the counter-affidavit denying the allegations made by the petitioner which stood unrebutted since the petitioner did not choose to file any reply affidavit, no further adjudication deserves to be made in the writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

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04th November, 2004.

gbs

To

1 The Inspector of Police, WPS, North Zone (Women Police Station)
at Begumpet, Secunderabad

2**. 2CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad (OUT).**

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